

AMENDED IN SENATE AUGUST 24, 2016
AMENDED IN SENATE AUGUST 15, 2016
AMENDED IN SENATE SEPTEMBER 1, 2015
AMENDED IN SENATE JUNE 15, 2015
AMENDED IN ASSEMBLY APRIL 16, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1114

Introduced by Assembly Member Eggman

February 27, 2015

An act to add Section 14132.968 to the Welfare and Institutions Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 1114, as amended, Eggman. Medi-Cal: pharmacist services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law provides for a schedule of benefits covered by the Medi-Cal program, including the purchase of prescribed drugs subject to the Medi-Cal list of contract drugs and utilization controls. Existing law requires a pharmacy provider under the Medi-Cal program to submit his or her usual and customary charge, as defined, when billing the Medi-Cal program for prescribed drugs. The Pharmacy Law specifies the functions a pharmacist is authorized

to perform, including furnishing nicotine replacement products and administering immunizations, as specified.

This bill would add to the schedule of benefits pharmacist services, *as specified*, subject to department protocols and utilization controls. ~~The bill would require pharmacist services to include only those services provided by a pharmacist consistent with the laws governing his or her scope of practice and would require the department to develop a list of pharmacist services.~~ The bill would require the rate of reimbursement for pharmacist services to be at 85% of the fee schedule for physician services under the Medi-Cal program and would require the department to establish a fee schedule. The bill would authorize the department to implement these provisions by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action, until regulations are adopted, and would require the department to adopt those regulations by July 1, 2021. Commencing July 1, 2017, the bill would require the department to provide a status report to the Legislature on a semiannual basis until regulations have been adopted. The bill would require these provisions to be implemented only to the extent that federal financial participation is available and the necessary federal approvals are obtained.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14132.968 is added to the Welfare and
- 2 Institutions Code, immediately following Section 14132.966, to
- 3 read:
- 4 14132.968. (a) (1) Pharmacist services are a benefit under
- 5 the Medi-Cal program, subject to approval by the federal Centers
- 6 for Medicare and Medicaid Services.
- 7 ~~(b) The department shall develop a list of pharmacist services~~
- 8 ~~that are reimbursable to an enrolled Medi-Cal pharmacy provider.~~
- 9 (1)
- 10 (2) The department shall establish a fee schedule for the list of
- 11 pharmacist services.
- 12 (2)

1 (3) The rate of reimbursement for pharmacist services shall be
2 at 85 percent of the fee schedule for physician services under the
3 Medi-Cal program.

4 ~~(e) Covered pharmacist services provided to a Medi-Cal~~
5 ~~beneficiary shall include only those services provided by a~~
6 ~~pharmacist consistent with the laws governing his or her scope of~~
7 ~~practice. Covered pharmacist services shall be subject to~~
8 ~~department protocols and utilization controls.~~

9 (b) (1) *The following services are covered pharmacist services*
10 *that may be provided to a Medi-Cal beneficiary:*

11 (A) *Furnishing travel medications as authorized in clause (3)*
12 *of subparagraph (A) of paragraph (10) of subdivision (a) of Section*
13 *4052 of the Business and Professions Code.*

14 (B) *Furnishing naloxone hydrochloride as authorized in Section*
15 *4052.01 of the Business and Professions Code.*

16 (C) *Furnishing self-administered hormonal contraception, as*
17 *authorized in Section 4052.3 of the Business and Professions Code.*

18 (D) *Initiating and administering immunizations as authorized*
19 *in Section 4052.8 of the Business and Professions Code.*

20 (E) *Providing tobacco cessation counseling and furnishing*
21 *nicotine replacement therapy as authorized in Section 4052.9 of*
22 *the Business and Professions Code.*

23 (2) *Covered pharmacist services shall be subject to department*
24 *protocols and utilization controls.*

25 ~~(d)~~

26 (c) A pharmacist shall be enrolled as an ordering, referring, and
27 prescribing provider under the Medi-Cal program prior to rendering
28 a pharmacist service that is submitted by a Medi-Cal pharmacy
29 provider for reimbursement pursuant to this section.

30 ~~(e)~~

31 (d) (1) The director shall seek any necessary federal approvals
32 to implement this section. This section shall not be implemented
33 until the necessary federal approvals are obtained and shall be
34 implemented only to the extent that federal financial participation
35 is available.

36 (2) *This section does not restrict or prohibit any services*
37 *currently provided by pharmacists as authorized by law, including,*
38 *but not limited to, this chapter, or the Medicaid state plan.*

39 ~~(f)~~

1 (e) Notwithstanding Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
3 the department may implement, interpret, or make specific this
4 section, and any applicable federal waivers and state plan
5 amendments, by means of all-county letters, plan letters, plan or
6 provider bulletins, or similar instructions, without taking regulatory
7 action. By July 1, 2021, the department shall adopt regulations in
8 accordance with the requirements of Chapter 3.5 (commencing
9 with Section 11340) of Part 1 of Division 3 of Title 2 of the
10 Government Code. Commencing July 1, 2017, the department
11 shall provide a status report to the Legislature on a semiannual
12 basis, in compliance with Section 9795 of the Government Code,
13 until regulations have been adopted.

14 SEC. 2. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety within
16 the meaning of Article IV of the Constitution and shall go into
17 immediate effect. The facts constituting the necessity are:

18 In order to make pharmacist services available as a benefit under
19 the Medi-Cal program at the earliest possible time, it is necessary
20 that this act take effect immediately.